

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 03-81110-CIV-HURLEY

**MAUREEN STEVENS, as Personal Representative
of the ESTATE OF ROBERT STEVENS, etc.,
plaintiff,**

vs.

**THE UNITED STATES OF AMERICA,
defendant.**

**ORDER *SUA SPONTE* STRIKING DEFENDANT'S "NOTICE OF ERRATA"
as UNAUTHORIZED AMENDMENT TO EARLIER SUBMISSIONS**

THIS CAUSE is before the court upon the defendant's "Notice of Errata" filed July 19, 2011 [DE# 162], consisting of four full pages of purported editorial "corrections" to the defendant's previously filed (1) statement of facts in support of motion for summary judgment on the issue of proximate cause [DE# 154-1]; (2) motion to dismiss based on FTCA assault and battery exception [DE# 153]; (3) motion to dismiss based on FTCA discretionary function exception [DE# 155] and (4) supporting statement of facts [DE# 155-1].

While deposition transcripts are occasionally accompanied by "errata" sheets intended for the correction of stenographic errors in interpretation, there is no authority under the Federal Rules of Civil Procedure or local rules of this court allowing for unsolicited submission of "errata" sheets purporting to correct editorial errors in legal briefing. The court is thus not inclined to accept the defendant's invitation to red-line its earlier submitted papers in the manner suggested. *See generally Norelus v Denny's, Inc.*, 628 F.3d 1270 (11th Cir. 2010).

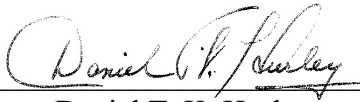
If there are substantive errors of material fact in the earlier filed papers that the government wishes to withdraw or correct at this juncture, the appropriate mechanism for bringing this to the

attention of the court is by motion seeking permission to file an amended motion or supporting statement, supported by good cause shown. While this order is without prejudice for the defendant to file such a motion, counsel is advised that merely finding a different, better or more detailed way to express a thought does not constitute "good cause" shown for the submission of amended pleadings or motions before this court.

It is accordingly **ORDERED AND ADJUDGED**:

The government's notice of errata filed July 19, 2011 [DE# 162] purporting to correct DE 153, 154-1, 155 and 155-1 [DE # 162] is **STRICKEN** as unauthorized. This order is without prejudice for the defendant to seek advance permission of the court to amend its earlier submissions upon motion and for good cause shown, subject to the above cautionary note.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 25th day of July, 2011.



Daniel T. K. Hurley
United States District Judge

cc.
All counsel